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Practitioner's Docket No. 944-003.120

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kostiainen

Application No.: 09 / 994,472

Group No.: 2687

Filed: November 26, 2001

Examiner: Huy Q Phan

For: METHOD AND SYSTEM FOR TRANSFERRING DATA IN A HAND-HELD ELECTRONIC DEVICE

Mail Stop Appeal Brief—Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF  
(PATENT APPLICATION—37 C.F.R. § 41.37)

NOTE: The phrase "the date on which" an "appeal was taken" in 35 U.S.C. 154(b)(1)(A)(ii) (which provides an adjustment of patent term if there is a delay on the part of the Office to respond within 4 months after an "appeal was taken") means the date on which an appeal brief under § 1.192 (and not a notice of appeal) was filed. Compliance with § 41.37 requires that: 1. the appeal brief fee (§ 41.20(b)(2)) be paid (§ 41.37(a)(2)); and 2. the appeal brief complies with §§ 41.73(c)(i)-(x). See Notice of September 18, 2000, 65 Fed. Reg. 56366, 56385-56387 (Comment 38).

1. Transmitted herewith, in triplicate, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on Feb. 8, 2006.

NOTE: Appellant must file a brief under this section within two months from the date of filing the notice of appeal under § 41.31. 37 CFR 41.(a)(1). The brief is no longer required in triplicate. The former alternative time for filing a brief (within the time allowed for reply to the action from which the appeal was taken) has been removed. Appellant must file within two months from the notice of appeal. See Notice of August 12, 2004, 69 FR 49960, 49962.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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Date: 4.7.06

Cathy Sturmer

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## 2. STATUS OF APPLICANT

This application is on behalf of

- ☒ other than a small entity.  
☐ a small entity.

A statement:

- ☐ is attached.  
☐ was already filed.

## 3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

- ☐ small entity \$250.00  
☒ other than a small entity \$500.00

Appeal Brief fee due \$ 500.00

## 4. EXTENSION OF TERM

NOTE: 37 C.F.R. § 1.704(b) ". . . an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

NOTE: The time periods set forth in 37 C.F.R. § 1.192(a) are subject to the provision of § 1.136 for patent applications. 37 C.F.R. § 1.191(d). See also Notice of November 5, 1985 (1060 O.G. 27).

NOTE: As the two-month period set in § 1.192(a) for filing an appeal brief is not subject to the six-month maximum period specified in 35 U.S.C. § 133, the period for filing an appeal brief may be extended up to seven months. 62 Fed. Reg. 53,131, at 53,156; 1203 O.G. 63, at 84 (Oct. 10, 1997).

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(5)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$1,080.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### 5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$ 500.00

Extension fee (if any) \$ \_\_\_\_\_

**TOTAL FEE DUE \$ 500.00**

#### 6. FEE PAYMENT

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 500.00
- ☐ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_
- ☒ to Deposit Account No. 23-0442
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should **not** be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment ~~in the manner authorized above~~ to Deposit Account NO. 23-0442.
- ☐ A duplicate of this paper is attached.

#### 7. FEE DEFICIENCY

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to change the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

- ☒ If any additional extension and/or fee is required,

AND/OR

- ☒ If any additional fee for claims is required, charge:

☒ Deposit Account No. 23-0442

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Date: April 7, 2006

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*Ken Lao*

SIGNATURE OF PRACTITIONER

Kenneth Q. Lao

(type or print name of practitioner)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Kostiainen : Attorney Docket No.: 944-003.120

Serial No.: 09/994,472 : Examiner: Huy Q Phan

Filed: November 26, 2001 : Art Unit: 2687

For: METHOD AND SYSTEM FOR TRANSFERRING DATA IN A HAND-HELD  
ELECTRONIC DEVICE

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
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**BRIEF OF APPELLANTS (37 CFR §41.37)**

Sir:

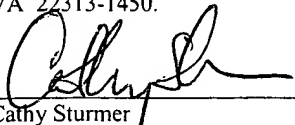
This is an appeal from the final rejection contained in a Final Office Action mailed on November 1, 2005 (the "Final Office Action"), rejecting claims 1-16.

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 4.7.06  
Cathy Sturmer Date

I. REAL PARTY IN INTEREST (37 CFR §41.37(c)(1)(i))

The real party in interest in this action is Nokia Corporation, Keilalahdentie 4, FIN-02150 Espoo, Finland, by virtue of the Assignment dated December 27, 2002. The Assignment was recorded in the U.S. Patent and Trademark Office on January 17, 2003.

II. RELATED APPEALS AND INTERFERENCES (37 CFR §41.37(c)(1)(ii))

There are no related appeals or interferences.

III. STATUS OF CLAIMS (37 CFR §41.37(c)(1)(iii))

The status of the claims is:

Claims pending: 1-16.

Claims objected to: none.

Claims rejected: 1-16.

Claims on appeal: 1-16.

IV. STATUS OF AMENDMENTS (37 CFR §41.37(c)(1)(iv))

Claims 1, 8 and 11 were amended in an amendment on December 8, 2004, in response to a non-final office action, mailed July 14, 2004.

V. SUMMARY OF THE INVENTION (37 CFR §41.37(c)(1)(v))

Appellants' invention is directed to a method and system for transferring data from one part of an electronic device to another part of the device, using a data carrier having an audible frequency range. In particular, the electronic device is a mobile phone having a phone body and a phone cover, and the data comprises a plurality of data segments embedded in a ringing tone. The ringing tone is used as a low bandwidth data signal or data carrier (see p.5, lines 5 and 6). This data carrier is used to convey the data segments from the phone body to the phone cover so as to allow a retrieving mechanism in the phone cover to retrieve the data segments. The retrieved data segments can be used to effect the functionality of the phone cover based on the retrieved data segments. The functionality may be a pattern of vibration and the effecting mechanism may be a vibrator for producing the pattern of vibration based on the retrieved data segments. The functionality may be the flashing of light emitting devices based on the retrieved

data segments. The functionality can be changed by programming data conveyed from the phone body to the phone cover.

In order to use a ringing tone as a carrier to convey data, the phone body carries out the following steps:

- relating the data segments to various frequencies in a ringing tone;
- arranging the frequencies in the ringing tone according to the data segments; and
- embedding the data in the ringing tone.

In order to convert the ringing tone to the data segments, the phone cover carries out the following steps:

- receiving the ringing tone; and
- retrieving the embedded data segments from the ringing tone.

The retrieved data segments can be used to effect the functionality of the phone cover.

All of these steps are illustrated in Figure 2.

As illustrated in Figure 1, the phone body has a ringing tone generator 14 to provide a ringing tone signal. The ringing tone signal has a sequence of frequencies and each frequency range is related to a bit pattern of the data segments (see page 4, lines 25-28).

In the phone cover, the retrieving mechanism is illustrated as a micro-controller 32 having a frequency counter 36 and a frequency/data converter 34. When the ringing tone is received by the micro-controller 32, the frequency counter 36 measures the frequencies in the ringing tone, and the frequency/data converter converts the measured frequencies to the bit patterns in order to retrieve the data segments (see page 4, line 28 to page 5, line 2).

The invention of claim 1 is directed to a method for transferring data from a device body and a device accessory of a device. The device can be a mobile phone 1 having a phone body 10 and a phone cover 30 (see page 4, lines 12 – 13). The data comprises a sequence of data segments embedded in a ringing tone signal that is conveyed from the device body to the device accessory (see Steps 110 – 130). The device accessory has means to receive the ringing tone and to retrieve the embedded data segment. The receiving and retrieving means can be a micro-controller 32 having a frequency counter 36 to measure the frequency and a frequency/data converter 34 to identify the data segment based on measured frequency (see page 4, line 28 to

page 5, line 2). The retrieved data segment can be used to effect the functionality of the device accessory (see p.5, line 2-4). Accordingly, the method comprises four steps:

- conveying a ringing tone signal from the device body to the device accessory, wherein the ringing tone signal comprises a sequence of frequencies indicative of the data segments;
- receiving the ringing tone signal in the device accessory;
- retrieving the sequence of data segments from the ringing tone; and
- using the retrieved data segments for effecting the functionality.

In the invention of dependent claim 2, the data segments are related to different frequencies or frequency ranges of the ringing tone signal (see page 4, lines 25 –28; Step 110 in Figure 2).

In the invention of dependent claim 3, the related frequencies are arranged according to the sequence of the data sequences (see Step 120 in Figure 2).

In the invention of dependent claim 4, each data segment comprises two or more bits to form a bit pattern (see page 4, lines 25 – 28).

In the invention of dependent claim 5, at least one of the frequency ranges is related to a repeating signal for indicating the repetition of a bit pattern (see page 6, lines 7 - 8).

In the invention of dependent claim 6, the functionality can be changed by programming data (see page 5, lines 19 – 23).

In the invention of dependent claim 7, the device accessory is a device cover (see page 7, line 3; Figure 1).

The invention of claim 8 is directed to a system for transferring data from a device body and a device accessory of a device. The device can be a mobile phone 1 having a phone body 10 and a phone cover 30 (see page 4, lines 12 – 13). The data comprises a sequence of data



segments embedded in a ringing tone signal that is conveyed from the device body to the device accessory (see Steps 110 – 130). The ringing tone signal has a sequence of frequencies (see page 7, lines 10 to 11). The transferred data can be used to effect the functionality of the phone cover 30 by a mechanism 40 (see page 5, line 2-4). The functionality can be the flashing of light-emitting diodes based on the data segments (see page 5, lines 6 – 10). The system comprises a first mechanism, or the frequency counter 36 in the micro-controller 32, to receive the sequence of frequencies indicative of the sequence of the data sequence, and a second mechanism, or the frequency/data converter 34 to retrieve the embedded data segment, for allowing the effecting mechanism to effect the functionality of the device accessory based on the retrieved sequence of data segments.

In the invention of dependent claim 9, the device is a mobile phone, the device body is the phone body and the device accessory is the phone cover (see page 4, lines 12 – 13).

In the invention of dependent claim 10, the functionality can be changed by programming data (see page 5, lines 19 – 23).

The invention of claim 11 is directed to a mobile terminal 1 which is capable of receiving an external signal 50 from an external device and providing a ringing tone signal 60 in response to the external signal (see page 4, lines 12 – 16). The mobile terminal 1 having a phone body 10 and a phone accessory 30 (see page 4, lines 12 – 13). The phone accessory 30 has a mechanism 40 to effect the functionality of the phone accessory by data provided by the phone body. The data has a sequence of data segments (see page 5, line 2-4), and the ringing tone signal 60 has sequence of frequencies indicative of the sequence of data segments (see page 7, lines 10 to 11; Steps 110 – 130). The mobile terminal comprises a first device 16 in the phone body to convey the ringing tone signal 60 to phone accessory 30, wherein the sequence of frequencies of the ringing tone indicative of the sequence of data segments; and a second device 32 in the phone accessory for receiving the ringing tone and retrieving the data sequence from the received ringing tone based on the sequence of frequencies in the received ringing tone so as to allow the phone accessory to effect the functionality based on the retrieved data segments.

In the invention of dependent claim 12, the external signal is a call signal (see page 3, lines 27 – 29).

In the invention of dependent claim 13, the functionality of the phone accessory can be changed by programming data having a further sequence of data segments and the sequence of the frequencies is further indicative of the further sequence of data segments (see page 5, lines 19 – 28).

In the invention of dependent claim 14, the external signal is a short messaging service signal (see page 3, lines 27 – 29).

In the invention of dependent claim 15, the external signal is a multimedia messaging service signal (see page 3, lines 27 – 29).

In the invention of dependent claim 16, the phone accessory is a phone cover 30 (see Figure 1).

#### VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 CFR§41.37(c)(1)(vi))

Claims 1-3, 7-9, 11, 12 and 16 are rejected under 35 U.S.C §102(e) as being anticipated by *Lutche et al.* patent (U.S. Patent Application Publication No. 2003/0083110 A1, hereafter referred to as *Lutche*).

In rejecting claim 1, the Examiner states that paragraphs 0028 and 0029 include all of the claim elements in claim 1. The Examiner alleges that these paragraphs show that

- 1) a ringing tone signal is conveyed from the device body to the device accessory;
- 2) the ringing tone signal comprises a sequence of frequencies indicative of the sequence of data segments;
- 3) the device accessory receives the ringing tone;
- 4) the device accessory retrieves the sequence of data segments from the received ringing tone signal based on the sequence of frequencies in the received ringing tone signal; and

5) the retrieved sequence of data segments is used to effect the functionality.

In rejecting claim 2, the Examiner points to paragraph 0028 for disclosing the relating step.

In rejecting claim 3, the Examiner points to paragraph 0028 for disclosing the arranging step.

In rejecting claim 7, the Examiner points to paragraphs 0035-0038 and Figure 1 for disclosing the device accessory comprises a device cover **14**.

In rejecting claim 8, the Examiner points to terminals **31, 32** as illustrated in Figure 4 and described in paragraphs 0038 to 0040 of *Lutche* as being equivalent to the first mechanism. The Examiner also points to the light emitting devices **27** of *Lutche* as being equivalent to the second mechanism.

In rejecting claim 9, the Examiner points to Figure 1 to show that *Lutche* discloses a mobile phone **11**.

In rejecting claim 11, the Examiner states that *Lutche* discloses a mobile terminal **11** having a phone body **13** and a phone accessory **14**; a first device **18** for conveying the ringing tone signal to phone accessory, wherein the sequence of frequencies in the ringing tone is indicative of the sequence of the data segments (paragraphs 0028 and 0029). The Examiner alleges that *Lutche* discloses

1) a first device (transducer power circuit **18**), disposed in the phone body, for conveying the ringing tone to the phone accessory, wherein the sequence of frequencies in the ringing tone is indicative of the sequence of the data segments; and a second device (Figure 4, LED **27**), disposed in the phone accessory, for receiving the ringing tone and retrieving the data sequence from the received ringing tone so as to allow the phone accessory to effect the functionality in a manner based on the retrieved data segments (paragraphs 0028 and 0029).

In rejecting claim 12, the Examiner states that *Lutche* discloses a mobile terminal 11 and that the external signal is a call signal (paragraph 0028).

In rejecting claim 16, the Examiner states that *Lutche* discloses a mobile terminal 11 with a phone cover 14 having the functionality.

Claims 4-6, 10 and 13-15 are rejected under 35 U.S.C §103(a) as being unpatentable over *Lutche* and *Narinen et al.* (U.S. Patent Application Publication No. 2002/0115456 A1, hereafter referred to as *Narinen*)

In rejecting claim 4, the Examiner states that *Lutche* discloses the method of claim 2 but fails to disclose that each data segment comprises two or more bit. The Examiner points to *Narinen* for disclosing such data segments (paragraph 0053).

In rejecting claim 5, the Examiner states that *Narinen* discloses that at least one of the frequency ranges is related to a repeating signal (paragraph 0053).

In rejecting claims 6, 10 and 13, the Examiner states that *Narinen* discloses that the functionality can be changed by programming data (paragraphs 0048-0053; 0001-0003).

In rejection claim 14, the Examiner states that *Narinen* discloses that the external signal is a short messaging service signal (paragraphs 0030-0032).

In rejecting claim 15, the examiner states the *Narinen* discloses that the external signal is a multimedia messaging service signal (paragraph 0041).

## VII. ARGUMENT (37 CFR§41.37(c)(1)(vii))

### A. The Cited *Lutche* Reference

*Lutche* discloses a mobile phone wherein a plurality of light emitting devices illuminate with a ringing tone. In paragraphs 0028 and 0029, *Lutche* discloses:

[0028] The ringing transducer **16**, may be a ringer, buzzer, speaker, or other component which produces an audible sound. As indicated, the transducer power circuit **18** includes the power source **17**, and the switch **19** to turn power to the ringing transducer **16** on and off. When an incoming call is received by the portable communications device **11**, the power source **17** is switched on, power passes through transducer power circuit **18**, the ringing transducer **16** is activated, thereby producing a ringing sound. The ringing produced varies in frequency, amplitude and duration. As first and second remote end terminals **31** and **32** of bus line **24** are respectively connected to first and second contact points **21** and **22** of the transducer power circuit **18**, power also passes through bus line **24**. The power passing through bus line **24** causes the light emitting devices **27** to be illuminated. When voltage to ringing transducer **16** drops, voltage to bus line **24** drops in a corresponding manner, and the illumination of the light emitting the light emitting devices **27** lessens. When voltage to ringing transducer **16** terminates, voltage to bus line **24** also terminates, and the light emitting devices **27** cease to be illuminated.

[0029] Accordingly, as power to the ringing transducer **16** is switched on and off, or increased or decreased, power to the light emitting devices **27** is also switched on and off, or increased or decreased. The light emitting devices **27** thereby illuminate in a manner which corresponds entirely to the ring tone pattern produced by ringing transducer **16**. At least one light emitting device **27** must be connected to the pair of conductors **26**. Otherwise, however, the number of light emitting devices **27** may be few or many. The placement pattern of the light emitting devices **27** along the pair of conductors **26** may also be varied to produce a random pattern or any of a number of shapes, such as oval or heart, when light emitting devices **27** are illuminated.

Briefly, in paragraphs 0028 and 0029, *Lutche* discloses a ringing transducer 16 connected to a transducer power circuit 18 in a portable device 11 to produce a ringing sound when an incoming call is received. The ringing sound varies in frequency, amplitude and duration. The transducer 16 is also connected to a group of light emitting devices 27 through a bus line 24 so that the electrical current from the transducer power circuit 18 causes the light emitting devices 27 to illuminate. The illumination varies according to the voltage to the ringing transducer 16. As such, the light emitting devices 27 illuminate in a manner which corresponds entirely to the ring tone pattern produced by the ringing tone transducer 16.

As described in paragraphs 0025 and 0027 and illustrated in Figures 1, 5 and 6, the transducer power circuit 18 is included in the main circuit board assembly 13, and the light emitting devices 27 are mounted on a substrate 23 on an apparatus 14. The apparatus 14 has two interconnection leads 28 and 29 connected between the bus line 24 (conductors 26) and the two contact points 21 and 22 of the transducer power circuit 18. The ringing transducer is a ringer, buzzer, speaker or an audible signal producing component.

#### B. The Claimed Invention

The invention, as claimed in claims 1, 8 and 11, is concerned with an electronic device having a device body and a device accessory and the transferring of data from the device body to the device accessory. The device body is capable of providing a ringing tone signal to the device accessory. The ringing tone comprises a sequence of frequencies indicative of a plurality of data segments in the data to be transferred from the device body to the device accessory. As claimed in claim 8, the device accessory comprises:

- a first mechanism for receiving the sequence of frequencies in the ringing tone signal;
- and

- a second mechanism, adapted to retrieve the data segments from the received sequence of frequencies in the ringing tone, so as to allow an effecting mechanism to effect the functionality of the device accessory.

C. The Rejection of Claims 1, 8 and 11 Under 35 U.S.C §102(e)

The Examiner, at Section 3 of the Final Office Action, points to paragraphs 0028 and 0029 to show that *Lutche* discloses the steps of:

conveying a ringing tone signal from the device body to the device accessory, wherein the ringing tone signal comprises a sequence of frequencies indicative of the sequence of the data segments;

receiving the ringing tone signal by the device accessory;

retrieving in the device accessory the sequence of data segments from the received ringing tone signal based on the sequence of frequencies in the received ringing tone signal based on the sequence of frequencies in the received ringing tone signal; and

using the retrieved sequence of data segments for effecting the functionality, wherein the functionality is effected in a pattern based on the retrieved sequence of data segments.

In particular, the Examiner considers the terminals **31** and **32** as illustrated in Figure 4 and described in paragraphs 0038 – 0040 as being equivalent to the first mechanism. The Examiner also considers the light emitting devices **27** as being equivalent to the second mechanism.

***Lutche does not disclose transferring of data having data segments***

While *Lutche* discloses using the electrical current flowing through the transducer power circuit to the ringing transducer to produce the ringing tone, *Lutche* does not disclose that the sequence of frequencies in the ringing tone signal is indicative of a sequence of data segments in the data to be transferred from the device body to the device accessory.

It is respectfully submitted that, while a certain frequency range can be assigned to represent a bit pattern in a data sequence, data segments are not the same as the frequencies in the ringing tone signal, because the assignment of bit patterns to frequency ranges can be varied. For example, the same frequency ranges can be arranged in different orders to represent the same data sequence. Thus, one data sequence can be represented by many different ringing tone signals. Conversely, one ringing tone signal can represent many different data sequences depending upon how the frequency ranges are assigned.

Thus, *Lutche* does not disclose data segments in the data to be transferred from the device body to the device accessory.

***Lutche does not disclose retrieving the sequence of data segments in the device accessory***

The light emitting devices 27, as described in paragraph 0039, are connected to the transducer power circuit 18 by a bus line 24. When electrical current passes through the bus line 24, the light emitting devices 27 illuminate accordingly. The light emitting devices 27 illuminate with varying intensity dependent upon the voltage applied to the transducer, because the voltage on the transducer varies with frequency and amplitude of the ringing tone. However, in order for a mechanism to retrieve data segments embedded in the ringing tone, the mechanism must be capable of measuring the frequencies and converting the frequencies to the data segments. The light emitting devices 27 are not capable of measuring the frequencies and converting the frequencies to data segments.

Thus, *Lutche* does not disclose having a mechanism capable of retrieving the embedded sequence of data segments from the received ringing tone.

***Lutche does not disclose effecting the functionality based on the sequence of data segments in the device accessory***

While *Lutche* discloses that the light emitting devices 27 illuminate according to the voltage applied to the contact points 21 and 22 on the ringing transducer 16, *Lutche* does not disclose that the light emitting devices illuminate based on the data segments retrieved from the received ringing tone signal.

***Lutche fails to disclose a number of claim elements***

As discussed above, *Lutche* does not disclose transferring of data having data segments, *Lutche* does not disclose retrieving the sequence of data segments in the device accessory, and *Lutche* does not disclose effecting the functionality based on the sequence of data segments.

For the above reasons, claims 1, 8 and 11 are distinguishable over the cited *Lutche* reference.



D. The Rejection of Dependent Claims 2, 3, 7, 9, 12 and 16 Under 35 U.S.C §102(e)

It is respectfully submitted that claims 2, 3, 7, 9, 12 and 16 are dependent from claims 1, 8 and 11 and recite features not recited in claims 1, 8 and 11. For reasons regarding claims 1, 8 and 11 above, claims 2, 3, 7, 9, 12 and 16 are also distinguishable over the cited *Lutche* reference.

E. The Rejection of Dependent Claims 4 - 6, 10 and 13 - 15 Under 35 U.S.C §103(a)

At Section 4 of the Final Office Action, claims 4-6, 10 and 13-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Lutche*, in view of *Narinen*.

The Examiner cites *Narinen* for disclosing that each data segment comprises two or more bits to form a bit pattern so that there is no need to provide identifiers for each characteristic of the ringing tone data (see Abstract).

It is respectfully submitted that claims 4-6, 10 and 13-15 are dependent from claims 1, 8 and 11 and recite features not recited in claims 1, 8 and 11.

For reasons regarding claims 1, 8, 11 above, claims 4-6, 10 and 13-15 are also distinguishable over the cited *Lutche* and *Narinen* references.

VIII CLAIMS APPENDIX (37 CFR §41.37(c)(1)(viii))

1. A method of transferring data in a device comprising a device body and a device accessory having a functionality, wherein the data comprises a sequence of data segments, said method comprising the steps of:
  - conveying a ringing tone signal from the device body to the device accessory, wherein the ringing tone signal comprises a sequence of frequencies indicative of the sequence of data segments,
  - receiving the ringing tone signal by the device accessory,
  - retrieving the sequence of data segments from the received ringing tone signal based on the sequence of frequencies in the received ringing tone signal, and
  - using the retrieved sequence of data segments for effecting the functionality.
2. The method of claim 1, further comprising the step of relating different frequencies or frequency ranges to different data segments prior to the conveying step.
3. The method of claim 2, further comprising the step of arranging the related frequencies according to the sequence of the data segments for providing at least one part of the ringing tone, prior to the conveying step.
4. The method of claim 2, wherein each data segment comprises two or more bits to form a bit pattern.
5. The method of claim 4, wherein at least one of the frequency ranges is related to a repeating signal for indicating the repetition of a bit pattern.
6. The method of claim 1, wherein the functionality can be changed by a programming data having a further sequence of data segments and the sequence of frequencies is further indicative of the further sequence of data segments.
7. The method of claim 1, wherein the device accessory comprises a device cover.

8. A system for transferring data in a device having a device body and a device accessory, wherein the device body is capable of providing a ringing tone signal comprising a sequence of frequencies, and the device accessory has a functionality and an effecting mechanism to effect the functionality, and wherein the data comprises a sequence of data segments, the system comprising:

a first mechanism, disposed in the device accessory, for receiving the sequence of frequencies indicative of the sequence of data segments; and

a second mechanism, disposed in the device accessory, adapted to retrieve the sequence of data segments from the received sequence of frequencies in the ringing tone signal, for allowing the effecting mechanism to effect the functionality of the device accessory based on the retrieved sequence of data segments.

9. The system of claim 8, wherein the device is a mobile phone, the device body is a phone body and the device accessory comprises a phone cover.

10. The system of claim 8, wherein the functionality can be changed by a programming data having a further sequence of data segments and the sequence of frequencies is further indicative of the further sequence of data segments, and wherein the second mechanism is capable of retrieving the further sequence of data segments from the sequence of frequencies for allowing the effecting mechanism to change the functionality based on the programming data.

11. A mobile terminal having a phone body and a phone accessory, wherein the phone body is capable of receiving an external signal from an external device, and providing a ringing tone signal having a sequence of frequencies in response to the external signal, and wherein the phone accessory has a functionality, which can be effected by a data having a sequence of data segments provided by the phone body, the mobile terminal comprises:

a first device, disposed in the phone body, for conveying the ringing tone signal to the phone accessory, wherein the sequence of frequencies indicative of the sequence of data segments; and

a second device, disposed in the phone accessory, for receiving the ringing tone and retrieving the data sequence from the received ringing tone based on the sequence of frequencies in the received ringing tone so as to allow the phone accessory to effect the functionality based on the retrieved data segments.

12. The mobile terminal of claim 11, wherein the external signal is a call signal.
13. The mobile terminal of claim 11, wherein the functionality of the phone accessory can be changed by a programming data having a further sequence of data segments and the sequence of frequencies is further indicative of the further sequence of data segments.
14. The mobile terminal of claim 13, wherein the external signal is a short messaging service signal.
15. The mobile terminal of claim 13, wherein the external signal is a multimedia messaging service signal.
16. The mobile terminal of claim 11, wherein the phone accessory comprises a phone cover having the functionality.

IX EVIDENCE APPENDIX (37 CFR §41.37(c)(1)(ix))

There are no evidences submitted pursuant to 37 CFR §1.130, 1.131 or 1.132.

X RELATED PROCEEDING APPENDIX (37 CFR §41.37(c)(1)(x))

There are no prior decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph 37 CFR §41.37(c)(1)(ii).

CONCLUSION

It is respectfully submitted that the present invention as claimed is readily distinguishable over the cited *Lutche* and *Narinen* references. Appellant's invention is not disclosed in the applied prior art and there is no fair basis for alleging that appellant's invention is anticipated or obvious in regard to such art.

In view of the above, it is respectfully submitted that the rejection of claims 1-16 are in error and must be reversed. Such reversal is earnestly solicited.

Respectfully submitted,

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